

ABEA
rec'd
3/20/02/sb
#6037

AGREEMENT

Made this 13 day of March 2002, by and between Joseph Y. Oh, t/a Third and K Market, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 1000 3rd St., SE, ABC Application # 6037, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less ("singles"), is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. maintaining a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
 - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
 - c. asking loiterers to move on whenever they are observed outside the establishment; and,
 - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on; and,
 - e. keeping a written record of dates and times when the MPD is called for assistance; and,
 - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
 - b. sweeping the outside of the establishment on a daily basis, or more often if needed.

3. Applicant will not sell or provide cups or single servings of ice.
4. Applicant will maintain the interior and exterior in a clean, well-painted and graffiti-free condition.
5. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
6. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") ~~[pint and half-pint containers of liquor - for Class A licenses only]~~ in clear or translucent plastic bags. *and KPJ*
7. Applicant will only sell containers of singles with a sandwich or equivalent food sale ~~[for deli's and sandwich shops]~~. *and KPJ*
8. Applicant will sell goods which reflect the community's needs — including but not limited to grocery products, fresh foods, dairy products and household products. Applicant will de-emphasize alcoholic beverages, tobacco products, sweets and snacks.
9. In consideration of, and reliance upon, the commitments reflected in above paragraphs, the ANC will not oppose the applicant's pending license application.
10. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

By: _____

Don. S. Chi

Represent
for

Mr. OH.

ANC 6B:

By: _____

Chair ANC 6B
Kerem Patrick Jarboe

ABEA
KUCD
3/20/02/sb
#6037

AGREEMENT

Made this 13 day of March 2002, by and between Joseph Y. Oh, t/a Third and K Market, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 1000 3rd St., SE, ABC Application # 6037, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less ("singles"), is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. maintaining a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
 - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
 - c. asking loiterers to move on whenever they are observed outside the establishment; and,
 - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on; and,
 - e. keeping a written record of dates and times when the MPD is called for assistance; and,
 - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
 - b. sweeping the outside of the establishment on a daily basis, or more often if needed.

3. Applicant will not sell or provide cups or single servings of ice.
4. Applicant will maintain the interior and exterior in a clean, well-painted and graffiti-free condition.
5. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
6. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") ~~[pint and half-pint containers of liquor - for Class A licenses only]~~ in clear or translucent plastic bags. *cul KPJ*
7. ~~Applicant will only sell containers of singles with a sandwich or equivalent food sale [for deli's and sandwich shops].~~ *cul KPJ*
8. Applicant will sell goods which reflect the community's needs – including but not limited to grocery products, fresh foods, dairy products and household products. Applicant will de-emphasize alcoholic beverages, tobacco products, sweets and snacks.
9. In consideration of, and reliance upon, the commitments reflected in above paragraphs, the ANC will not oppose the applicant's pending license application.
10. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

By: 

Don. S. Chi

Represent
for

Mr. OH.

ANC 6B:

By: 

Chair ANC/6B

Kenan Patrick Jarboe

#6037

AGREEMENT

Made this 30th day of March 1998, by and between Joseph Y. Oh, t/a 3rd & K Street Market, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 1000 3rd Street SE, ABC Application #6037, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises; and,

WHEREAS, the parties agree that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of all single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately ___% of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment;
 - b. posting a sign inside requesting customers not to contribute to panhandlers;
 - c. asking loiterers to move on whenever they are observed outside the establishment;
 - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on;
 - e. keeping a written record of dates and times when the MPD is called for assistance; and
 - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts any other party to install an outdoor payphone on or adjacent to the establishment;
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if required.
 - b. sweeping the outside of the establishment on a daily basis, or more often if required.
3. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales.
4. In consideration of, and reliance upon, the commitments reflected in paragraph 1-4, the ANC hereby agrees not to protest the applicant's pending license application.
5. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 

By: 

In the Matter of:

t/a Third and K Market

B License – renewal

at premises

1000 3rd Street, S.E.

Washington, D.C.

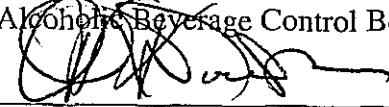
The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated March 13, 2002, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

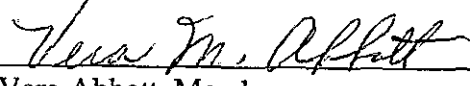
Joseph Y. Oh
t/a Third & K Market
Page two


Accordingly, it is this 22nd day of May 2002, **ORDERED** that:

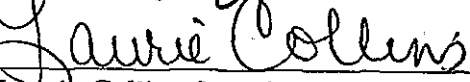
1. The opposition of Kenan P. Jarboe, Chairperson, on behalf of the Advisory Neighborhood Commission 6B, is **WITHDRAWN**;
2. The application of Joseph Y. Oh t/a 3rd & K Market for a retailer's class B (renewal) license located at 1000 3rd Street, S.E., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement between the parties, is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

District of Columbia
Alcoholic Beverage Control Board



Roderic L. Woodson, Esquire, Chair



Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy A. Moy, Member


Ellen Oppenheimer, Esquire, Member


Audrey E. Thompson, Member

SEP 23 150 PM '96
RECEIVED
ALCOHOLIC BEVERAGE
CONTROL DIVISIONAGREEMENT

Made this 31ST day of August, 1996, by and between Joseph Y. Oh, t/a 3rd & K Streets Market, (the Applicant) and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailer's Class "B" license for premises, 1000 3rd Street, S.E., ABC Application #6037, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of less than 40 ounces, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and

WHEREAS, Applicant declares that ending the sale of single containers of beer, of less than 40 ounces, (which make up approximately 30% of their sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will make all diligent efforts to prohibit and prevent loitering, panhandling and consumption of alcoholic beverages within 100 feet of the front of the establishment by;

a. posting "No Loitering/No Panhandling" no consumption of alcoholic beverages on premises sign on the outside of the establishment; and,

b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,

c. asking loiters to move on whenever they are observed outside the establishment; and,

d. calling the MPD to report persons who are observed consuming alcoholic beverages outside of the premises; and,

e. calling the MPD to remove the loiters if they refuse Applicant's request to move; and,

f. keeping a written record of dates and times when the MPD is called for assistance; and,

g. not installing any additional outdoor pay phone outside the establishment; and

2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by;

a. picking up trash, including beverage bottles and cans, on a daily basis.

b. sweeping the outside of the establishment on a daily basis.

3. In consideration of, and reliance upon, the commitments reflected in the above paragraphs, the ANC hereby withdraws its

opposition to Applicant's pending license application.

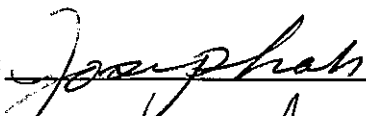
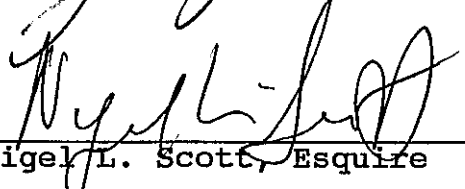
4. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By:



Nigel L. Scott, Esquire

By:



BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:)

Joseph Oh)

t/a 3rd & K Street Market)

Application for a Retailer's)

License Class DR - renewal)

at premises)

1000 3rd Street, S.E.)

Washington, D.C.)

Case No. 6037-96015P

Gottlieb Simon, Acting Executive Secretary, on behalf of Advisory
Neighborhood Commission 6B, Protestant

Joseph Oh, Applicant

BEFORE: BARBARA L. SMITH, ESQUIRE, Chairperson;
DENNIS BASS, Member
MARY EVA CANDON, ESQUIRE, Member
JAMES C. JEFFERSON, Member
LAVERNE KING, Member
JAMES L. O'DEA, III, ESQUIRE, Member
DUANE WANG, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on December 27, 1995, in accordance with D.C. Code Section 25-115 (c)(5)(1994 Supp.), providing for remonstrants to be heard. Gottlieb Simon, Acting Executive Secretary, on behalf of the Advisory Neighborhood Commission 6B, filed a timely protest by letter dated December 11, 1995.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{2/} Pursuant to the Agreement, the Protestant has agreed to withdraw the protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

1/ See Agreement dated August 31, 1996.

Joseph Oh
t/a 3rd & K Streets Market
Page two

Accordingly, it is this 30th day of October 1996, ORDERED
that:

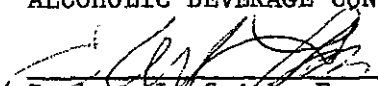
1. The protest of Gottlieb Simon, Acting Executive Secretary, on
behalf of Advisory Neighborhood Commission 6B, be, and the same hereby,
is **WITHDRAWN**;

2. The above-referenced Agreement between the parties be, and the
same hereby, is **INCORPORATED** as part of this Order;

4. The application of Joseph Oh t/a 3rd & K Streets Market for a
retailer's license class B - renewal at premises 1000 3rd Street, S.E.,
be, and the same hereby, is **GRANTED**; and,

4. Copies of this Order shall be sent to the Protestant and the
Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

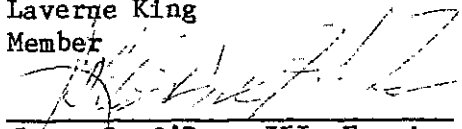

Barbara L. Smith, Esquire
Chairperson

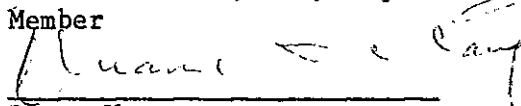
Mary Eva Candon, Esquire
Member

Dennis Bass
Member

James C. Jefferson,
Member

Laverne King
Member


James L. O'Dea, III, Esquire
Member


Duane Wang
Member